

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

ROBERT "BOB" BURNS – Chairman
BOYD DUNN
SANDRA D. KENNEDY
JUSTIN OLSON
LEA MÁRQUEZ PETERSON

IN THE MATTER OF THE APPLICATION OF
ARIZONA PUBLIC SERVICE COMPANY FOR A
HEARING TO DETERMINE THE FAIR VALUE OF
THE UTILITY PROPERTY OF THE COMPANY
FOR RATEMAKING PURPOSES, TO FIX A JUST
AND REASONABLE RATE OF RETURN
THEREON, TO APPROVE RATE SCHEDULES
DESIGNED TO DEVELOP SUCH RETURN.

DOCKET NO. E-01345A-19-0236

PROCEDURAL ORDER
(Grants Extension for Mailing;
Grants Intervention; Denies Extension
of Procedural Schedule)

BY THE COMMISSION:

On October 1, 2019, Arizona Public Service Company ("APS") filed with the Arizona Corporation Commission ("Commission") a Notice of Intent to File a Rate Case Application and Request to Open Docket. As a result, this docket was opened.

On October 31, 2019, APS filed its Rate Application.

On November 29, 2019, the Commission's Utilities Division ("Staff") filed a Letter of Sufficiency, stating that APS's rate application had met the sufficiency requirements as outlined in Arizona Administrative Code ("A.A.C.") R14-2-103(B)(7) and that APS had been classified as a Class A Utility.

On December 19, 2019, a Rate Case Procedural Order was issued setting the hearing for this matter to begin on July 17, 2020, and establishing additional dates and procedural requirements.

On March 18, 2020, a Procedural Order was issued that, *inter alia*, rescheduled the hearing to commence on September 30, 2020, and extended the time clock for this matter by 79 calendar days.

On July 31, 2020, by Procedural Order, the hearing was rescheduled to commence on December 14, 2020; other procedural deadlines were extended; and the time clock for this matter was extended by 96 days.¹

¹ Additional procedural history is available in prior Procedural Orders and by reviewing filings made in the docket. The deadline for intervention was not extended.

The following parties are currently intervenors in this matter:

Intervenor Name ("Shortened Name")	"Group Name" (if applicable)
Richard Gayer	
The Kroger Co. ("Kroger")	
Southwest Energy Efficiency Project ("SWEEP")	
Western Resource Advocates ("WRA")	
Freeport Minerals Corporation ("Freeport")	
Arizonans for Electric Choice and Competition ("AECC")	
Residential Utility Consumer Office ("RUCO")	
The Property Owners and Residents Association of Sun City West ("PORA")	
Arizona Competitive Power Alliance ("ACPA")	
Wildfire	
Solar Energy Industries Association ("SEIA")	
Arizona Solar Energy Industries Association ("AriSEIA")	
Arizona School Boards Association ("ASBA")	
Arizona Association of School Business Officials ("AASBO")	
Vote Solar	
International Brotherhood of Electrical Workers, AFL-CIO, Local 387 ("Local 387")	"IBEW Locals"
International Brotherhood of Electrical Workers, AFL-CIO, Local 769 ("Local 769")	
Aguila Irrigation District ("AID")	"Districts"
Buckeye Water Conservation and Drainage District ("BWCDD")	
Electrical District Number Six of Pinal County ("ED6")	
Electrical District Number Seven of Maricopa County ("ED7")	
Electrical District Number Eight of Maricopa County ("ED8")	
Harquahala Valley Power District ("HVPD")	
Maricopa County Municipal Water Conservation District Number One ("MWD")	
McMullen Valley Water Conservation & Drainage District ("MVWCDD")	
Tonopah Irrigation District ("TID")	
Sierra Club	
Shelly A. Kaner	
Patricia Madison	
Jonathan Jones	
Federal Executive Agencies ("FEA")	
John Thornton	
San Juan Citizens Alliance ("SJCA")	"Citizen Groups"
Tó Nizhoní Ání ("TNA")	
Diné CARE ("DC")	

1	Walmart Inc. ("Walmart")	
2	Navajo Nation ("Nation")	
3	Tesla, Inc. ("Tesla")	
4	Calpine Energy Solutions, LLC ("Calpine")	
5	Constellation NewEnergy, Inc. ("Constellation")	
6	Direct Energy Business, LLC ("Direct Energy")	
7	ChargePoint, Inc. ("ChargePoint")	
8	Arizona Solar Deployment Alliance ("ASDA")	
	AARP	
	EVgo Services LLC ("EVgo")	
	Distributed Energy Resource Association ("DERA")	
	Manufactured Housing Communities of Arizona, Inc. ("MHCA")	

On November 20, 2020, by Procedural Order, the hearing was rescheduled to commence on January 14, 2021; other procedural deadlines were extended; the hearing date of December 14, 2020, was retained for public comment; an additional telephonic public comment session was scheduled for the evening of January 11, 2021; APS was required to provide prescribed notice of these public comment sessions; and the time clock for this matter was extended by 23 days.²

APS Motion to Extend Deadline to Complete Notice

On November 23, 2020, APS filed a Motion to Extend Deadline to Complete Notice (Expedited Consideration Requested) ("Motion"), seeking an extension to December 31, 2020, of the December 13, 2020, deadline to complete the direct mailing of the prescribed notice to its customers. APS asserts that the first available billing cycle begins December 2, 2020, and ends on December 31, 2020, and that a mailing separate from the bill cycle will cost approximately \$500,000. Further, APS asserts that its customers are more likely to open their bills than a separate mailing.

It is reasonable to grant APS's Motion on an expedited basis to allow time for the notice to be prepared for inclusion in the next billing cycle. However, because APS will not be providing its customers notice by mail prior to the December 14, 2020, public comment session, it is necessary to amend the notice to be provided by mail, to ensure that APS's customers have a sufficient opportunity to comment. Additionally, it is appropriate to schedule another public comment session to be held on the new first day of hearing.

² The Procedural Order was issued in response to a Staff Motion to Amend Procedural Order filed by Staff and agreed to by 29 of the intervenors to this matter. The Citizen Groups had also filed a Joinder in the Staff Motion.

Hopi Tribe Application to Intervene & Request for Docket Extension

On November 20, 2020, the Hopi Tribe filed an Application to Intervene, Request for Docket Extension and Consent to Email Service (“Motion”). The Hopi Tribe states that it is a sovereign nation located within the boundaries of Arizona and the Navajo Nation, that APS serves the majority of the Hopi Reservation, and that APS’s rates directly impact the Hopi Tribe. The Hopi Tribe states that that it did not file for intervention before the February 2020 deadline due to disruptions caused by the COVID-19 pandemic and, further, that APS only released the specifics of its “Just Transition” plan in its rebuttal testimony filed on November 6, 2020. The Hopi Tribe states that because APS has named the Hopi Tribe and assigned a transitional dollar benefit to the Hopi Tribe, the Hopi Tribe’s failure to intervene would create a substantial risk of unjust prejudice to its interests. The Hopi Tribe states that no other party can adequately represent its interests and that its intervention will not expand the scope of the case or create undue prejudice or undue delay.

Additionally, the Hopi Tribe requests that the deadline for surrebuttal testimony in this matter be extended to December 20, 2020, to allow for its participation. The Hopi Tribe acknowledges that this will delay the proceeding but asserts that the extension is necessary to allow for the Hopi Tribe’s docket submission.

Although the deadline for responses to the Hopi Tribe’s Motion has not yet passed, it is reasonable to act upon the Hopi Tribe’s Motion at this time to establish its status in this matter and maximize, to the extent possible, its ability to prepare its surrebuttal testimony. Because the Hopi Tribe will clearly be directly and substantially impacted by the outcome of this matter, and its intervention will not unduly broaden the issues in this matter, its intervention shall be granted. However, the Hopi Tribe’s request for an extension of the deadline for surrebuttal testimony in this matter, which would necessarily result in a further delay in commencement of the hearing, shall not be granted. Based upon the contents of a letter filed by the Chairman of the Hopi Tribe on November 20, 2020, the Hopi Tribe has spent time analyzing APS’s just transition plan and has formulated a position upon which it can elaborate further in its surrebuttal testimony.

IT IS THEREFORE ORDERED that **APS’s Motion** to Extend Deadline to Complete Notice is **hereby granted**, and the **deadline for APS to complete notice by direct mailing** to its customers is

hereby extended to **December 31, 2020.**

IT IS FURTHER ORDERED that a **telephonic public comment session** shall be held in this matter on **January 14, 2020, at 10:00 a.m. and shall conclude at 12:30 p.m. or when the last caller who is on the line by 12:30 p.m. has finished speaking**, whichever comes last.

IT IS FURTHER ORDERED that for all forms of notice other than direct mailing, APS shall modify the language of the public notice prescribed by the Procedural Order of November 20, 2020, by replacing the table in the notice with the following:

Date	Time
Monday, December 14 , 2020	10:00 a.m. to 12:30 p.m., or until the last caller is finished speaking, whichever comes first
Monday, January 11 , 2021	6:00 p.m. to 8:30 p.m., or until the last caller is finished speaking, whichever comes first
Thursday, January 14 , 2021	10:00 a.m. to 12:30 p.m., or until the last caller who is on the line by 12:30 p.m. has finished speaking, whichever comes last

IT IS FURTHER ORDERED that for direct mailing, APS shall modify the language of the public notice prescribed by the Procedural Order of November 20, 2020, by replacing the table in the notice with the following:

Date	Time
Monday, January 11 , 2021	6:00 p.m. to 8:30 p.m., or until the last caller is finished speaking, whichever comes first
Thursday, January 14 , 2021	10:00 a.m. to 12:30 p.m., or until the last caller who is on the line by 12:30 p.m. has finished speaking, whichever comes last

IT IS FURTHER ORDERED that APS shall provide notice of the additional public comment meetings through its social media accounts, with notice to be provided at least **six** times, including at least once the week of November 23, 2020; once the week of November 30, 2020; once the week of December 7, 2020; once the week of December 13, 2020; once the week of January 4, 2021; **and once the week of January 11, 2021.**

IT IS FURTHER ORDERED that **intervention is hereby granted to the Hopi Tribe.**

1 IT IS FURTHER ORDERED that **the Hopi Tribe shall review the prior Procedural Orders**
2 **filed in this docket and familiarize itself with the proceedings held thus far in this docket, as it is**
3 **required to comply with the procedural requirements and deadlines already imposed.**

4 IT IS FURTHER ORDERED that **the Hopi Tribe's consent to receive service of all filings**
5 **in this docket, including all filings by other parties (including Commission Staff), all Procedural Orders**
6 **and Recommended Opinions and Orders/Recommended Orders issued by the Commission's Hearing**
7 **Division, and all filings made by a Commissioner or the Commission's Executive Director, via email**
8 **sent to its designated email address rather than via U.S. Mail, is hereby approved.**

9 IT IS FURTHER ORDERED that all other provisions of the **Procedural Order** issued on
10 **November 20, 2020, shall remain in full force and effect.**

11 IT IS FURTHER ORDERED that any motion, other than a dispositive motion, that is filed in
12 this matter and that is not ruled upon within 20 calendar days of the filing date of the motion shall be
13 deemed denied.

14 IT IS FURTHER ORDERED that any response to a motion other than a dispositive motion
15 shall be filed within seven calendar days of the filing date of the motion.

16 IT IS FURTHER ORDERED that any response to a dispositive motion shall be filed within 10
17 calendar days of the filing date of the motion.

18 IT IS FURTHER ORDERED that any reply to a response shall be filed within five calendar
19 days of the filing date of the response.

20 IT IS FURTHER ORDERED that each party or prospective party shall **refer to the**
21 **Commission's website** for information regarding **Global Consent to Email Service**³ **and how to**
22 **Follow the Docket**.⁴ Information regarding Global Consent to Email Service and how to Follow the
23 Docket is available on the Commission's website (www.azcc.gov) by clicking on **"Cases and Open**
24 **Meetings"** and then clicking on **"Globally Consent to Email Service"** or **"Follow a Docket or**
25 **Document Type."**

26
27 ³ Global Consent to Email Service allows a party to consent to receive email service in all cases for which the party is
included on the service list, now or in the future.

28 ⁴ The "Follow a Docket" service allows any person to receive email notice, with a link to the filing, whenever something
is filed in the docket. The service can be used to follow one or many dockets.

1 IT IS FURTHER ORDERED that **documents may be eFiled** in this docket and that instructions
2 and restrictions for eFiling are available on the Commission's website at <http://azcc.gov/hearing/efile->
3 [for-utilities-instruction](http://azcc.gov/hearing/efile-for-utilities-instruction).

4 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
5 31, 38, 39, and 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

6 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
7 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
8 Supreme Court Rule 42). Representation before the Commission includes appearances at all hearings
9 and procedural conferences, as well as all Open Meetings for which the matter is scheduled for
10 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
11 Law Judge or the Commission.

12 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
13 Communications) applies to this proceeding and shall remain in effect until the Commission's Decision
14 in this matter is final and non-appealable.

15 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
16 pursuant to Rule 6(a)(2) or (c) of the Arizona Rules of Civil Procedure.

17 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or
18 waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
19 hearing.

20 DATED this 24th day of November, 2020.

21
22 
23 SARAH N. HARPRING
24 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE
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28

On this 24th day of November, 2020, the foregoing document was filed with Docket Control as a Procedural Order – Miscellaneous, and copies of the foregoing were mailed on behalf of the Hearing Division to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link to the foregoing to the following who have consented to email service.

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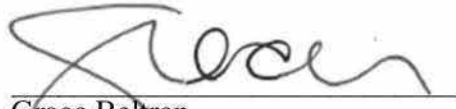
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